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Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 10.10 a.m.

Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/56/3, A/57/12 and Add.1, A/57/203, 324 and 583; A/C.3/57/L.77-L.79)

1. **Mr. Dorji** (Bhutan), referring to the report of the United Nations High Commissioner for Refugees, 2001 (A/57/12), said that the situation of refugees in eastern Nepal was extremely complex, owing to vast illegal immigration of people from one source country in search of a better livelihood. The problem had been further complicated by Bhutan's porous border. The capacity of Bhutan to continue as a host country for refugees was limited and it was clear that the Government's efforts to tackle illegal immigration had been exploited by certain interests.

2. He pointed out that it was factually incorrect to term the refugees "Bhutanese", as stated in paragraph 72 of the report; in fact, all were of ethnic Nepalese origin. A main objective of the discussions between Bhutan and Nepal had been to determine their antecedents through joint verification.

3. He explained that, at the time the camps had been established in 1991, Bhutan had not been informed by the host country that such action was being taken. When Bhutan later learned of the situation, and as increasing numbers of desperate persons sought refuge, the Government of Bhutan had advised that there was a need to implement a proper screening mechanism. No such procedures had been introduced, however, until the population in the camps had risen from 300 to 80,000 within two years of their establishment.

4. The report of the High Commissioner for Refugees had also stated that the situation had become "protracted", reflecting concern that the bilateral process had not moved at a faster pace. He therefore wished to state that the Governments of Bhutan and Nepal had agreed to establish a Joint Ministerial Committee and a joint verification team. But both sides were struggling to reach agreement on how to deal with the refugees, once classified. High-level consultations were under way to lay the groundwork for the next meeting of the Joint Committee. While both Governments had expressed their commitment to the bilateral process, there remained a number of challenges.

5. Bhutan cherished its historic and cordial relations with Nepal and was concerned at the humanitarian plight of the refugees. His Government firmly believed that, building on past agreements, the bilateral process could lead to a durable solution.

6. **Mr. Ali Babaee** (Islamic Republic of Iran) said that his delegation welcomed the Global Consultations on International Protection (A/57/12, para. 15). It considered the 1951 Convention and 1967 Protocol relating to the Status of Refugees as the main framework for protection and believed that no new commitments should be created for Member States.

7. The implementation of the Agenda for Protection (A/57/12/Add.1, annex IV) should be commensurate with the capacity of host countries and international assistance, and in order to make the Agenda operational, it was necessary to arrange transparent mechanisms for effective international burden-sharing with a view to strengthening the host countries' capacity. Most developing countries hosting large numbers of refugees faced economic, social and demographic problems, and were not in a position to accept local integration as a solution to the refugee crisis. Less-populated, developed countries with more resources were in a better position to accept refugees with a view to their integration. The creation of a transparent and realistic mechanism for that collective responsibility should fairly distribute the burden among countries. He reaffirmed the relation between a sustainable solution and burden-sharing.

8. His Government welcomed the review being conducted with a view to the reform and enhanced efficiency of the Office of the United Nations High Commissioner for Refugees (UNHCR), and stressed the need for fair distribution of office posts among countries, based on their role in hosting and assisting refugees.

9. As host to millions of refugees and displaced persons, the Islamic Republic of Iran was concerned by the potential for a new wave of refugees, and warned that any crisis on its western and southern borders would result in a vast influx of refugees. He emphasized the need for a peaceful solution to avert such an upheaval.

10. He looked forward to the adoption of effective steps to safeguard the rights of refugees and host countries and to finding durable solutions to the global

problem of refugees through effective cooperation and burden-sharing by the international community.

11. **Mr. Husain** (Observer for the Organization of the Islamic Conference (OIC)) supported the statement just made by the representative of the Islamic Republic of Iran. He said the issue of refugees, returnees and internally displaced persons had been identified by the Islamic Conference as a priority area for cooperation with the United Nations. Many of the OIC member States, including developing countries, hosted large numbers of asylum-seekers and refugees.

12. Accordingly, at the Islamic Conference of Foreign Ministers in June 2002, a resolution had been adopted on the problems of refugees which expressed appreciation to member States and international partners for their assistance to refugees and called on member States to coordinate international actions to identify the causes of refugee flows and to strive, in cooperation with UNHCR, to repatriate those refugees as soon as possible. It also urged international support for such efforts and requested the Secretary-General of OIC to liaise closely with UNHCR.

13. He welcomed the fact that, while persistent instability and strife continued to cause population movements, particularly in certain countries of Africa and Latin America, there had been no refugee emergencies in 2001 comparable to the emergencies of the 1990s. Furthermore, in most cases where internal or external conflicts had threatened to create an exodus of refugees or internally displaced persons, timely interventions at the political level had generally succeeded in remedying those situations.

14. The situation of refugees, returnees and internally displaced persons in Africa continued to pose challenges; while there might have been a slight decline in the number of refugees and asylum-seekers due to ongoing peace efforts and voluntary repatriation, there had also been major setbacks as a result of conflict situations. Those situations required a multidimensional approach involving not only humanitarian agencies but donor countries, civil society and the international community. The Conference would be a supportive and, when necessary, proactive partner in fostering conflict resolution and lasting peace in Africa. In that spirit, the Conference was supporting the efforts of Afghanistan, Sierra Leone, Somalia, Bosnia and Herzegovina and others in the creation of favourable conditions for the return, resettlement and reintegration of returnees in an environment of peace and mutual confidence.

15. He recalled in particular the plight of the Palestinian people and the Muslim population of Jammu and Kashmir, who had been the victims of vicious conflicts for many years. The international community, through the United Nations, must play an effective role and come to their rescue in their hour of need. The Conference had repeatedly indicated its readiness to support United Nations efforts in that direction and would continue to do so. It would also continue to support the Secretary-General and the High Commissioner in finding lasting solutions to the conflicts, which had created so many helpless refugees in so many parts of the world.

16. **Mr. Morris** (Director, New York Liaison Office, Office of the United Nations High Commissioner for Refugees (UNHCR)) referred members to the written statement being distributed and, on behalf of the High Commissioner, thanked the Committee for its constructive debate on the agenda item. He looked forward to continued dialogue and support for efforts to reform UNHCR, a report on which would be submitted to the General Assembly at its fifty-eighth session.

Draft resolution A/C.3/57/L.77: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

17. **Ms. Erotokritou** (Cyprus), introducing the draft resolution on behalf of the sponsors, joined by Croatia, Bangladesh, Ethiopia, the Gambia and the Sudan, said that, given the crucial work of the Executive Committee of the Programme, the purpose of the draft resolution was to increase the number of its members from 61 to 64 States, thereby helping it to fulfil its mandate.

Draft resolution A/C.3/57/L.78: Continuation of the Office of the United Nations High Commissioner for Refugees

18. **Mr. Kebbon** (Sweden), introducing the draft resolution on behalf of its sponsors, joined by Algeria, Bangladesh, Belarus, Burundi, Djibouti, Gabon, the Gambia, Guyana, Kyrgyzstan, Mali, Malawi, Nepal, Turkey, Uganda and the United States, said that Ukraine was also a sponsor, although its name did not appear in the document. It was a sad testimony to the

state of world affairs that UNHCR, a body originally intended to deal with a temporary problem, had become a permanent institution facing apparently unending challenges.

19. The draft resolution would continue the mandate of UNHCR for a further five years and would commend it for its outstanding work in behalf of refugees and displaced persons. The High Commissioner had stated that, on the basis of the outcome of the process initiated to strengthen his Office as a multilateral institution, he would submit to the General Assembly at its fifty-eighth session the pertinent proposals prepared in conjunction with the Executive Committee and the Secretary-General.

Draft resolution A/C.3/57/L.79: Office of the United Nations High Commissioner for Refugees

20. **Mr. Kebbon** (Sweden) introduced the draft resolution on behalf of the sponsors, joined by Belarus, Botswana, Burundi, Gabon, Malawi, Mali and the United States. It reaffirmed the General Assembly's support for UNHCR's work, and would enable the General Assembly to provide policy directives on essential aspects of that work, while recalling States' responsibilities. The text was concise, with a clear focus on new developments, notably in the area of international protection and durable solutions.

21. The draft resolution welcomed the Executive Committee's adoption of conclusions on the civilian and humanitarian character of asylum and on the reception of asylum-seekers in the context of individual asylum systems. It also welcomed the progress achieved with respect to recognizing the important contribution of host developing countries, as well as the importance attached to cooperation with the New Partnership for Africa's Development.

22. The draft resolution welcomed the contribution made by UNHCR to protection from sexual exploitation and its renewed efforts to promote durable solutions for refugees. It also welcomed the collective commitment to the implementation of the 1951 Convention and 1967 Protocol relating to the Status of Refugees expressed by States parties in the Declaration commemorating the fiftieth anniversary of the Convention.

23. Since a number of States not parties to those instruments had generously hosted refugees, they were encouraged to consider acceding to them. UNHCR's protection agenda, the fruit of two years of global consultation, was a valuable tool. The draft resolution called for the mobilization of resources in order to enhance the capacity of, and reduce the burden borne by, countries that had received large numbers of refugees and asylum-seekers. The draft also recognized that UNHCR needed adequate and timely resources in order to continue to fulfil its mandate.

Agenda item 109: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/57/L.40, L.41, L.47, L.51, L.54, L.62-L.66, L.68, L.69 and L.76)

Draft resolution A/C.3/57/L.62: Hostage-taking

24. **Mr. Knyazhinskiy** (Russian Federation), introducing the draft resolution on behalf of the sponsors, announced that the delegation of Cuba wished to add its name to the list of sponsors. The text was a response to the recent tragic hostage-taking incident in Moscow and denounced any hostage-taking as a serious violation of human rights. It called on States to take measures within the context of international law and human rights standards to prevent and combat hostage-taking. The draft resolution did not request the Secretary-General to prepare a report on the topic and merely stated that the General Assembly would remain seized of the matter; he hoped it would be adopted by consensus.

Draft resolution A/C.3/57/L.63: Strengthening of the rule of law

25. **Ms. Viotti** (Brazil) introduced the draft resolution on behalf of the sponsors and announced that the delegations of Albania, Belarus, the Congo, Gabon, the Gambia, Malawi, Nepal, Singapore, the United Republic of Tanzania, Yemen and Yugoslavia wished to add their names to the list of sponsors.

26. The text stressed the importance of the rule of law and recalled United Nations efforts to promote international standards to ensure respect for human rights, democracy and the rule of law, the important role played by the Office of the High Commissioner for Human Rights and the need for technical assistance for States seeking to consolidate the rule of law. It

therefore deplored the lack of resources allocated to those tasks.

27. The text contained two new operative paragraphs. Paragraph 2 welcomed the efforts of the Office of the High Commissioner to make the promotion of the rule of law a priority in its technical cooperation programmes, while paragraph 8 welcomed the assistance of the Office in the design of human rights components of United Nations peace operations. The draft resolution was a statement of the international community's commitment to the rule of law and she hoped that it would be adopted without a vote.

Draft resolution A/C.3/57/L.64: Human rights and unilateral coercive measures

28. **Mr. Montwedi** (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, which were sponsoring it, said that the text called on States to refrain from imposing unilateral coercive measures on other States, in particular if such measures violated the Charter and international law. There was growing support for that position outside the Non-Aligned Movement and he hoped that there would therefore be a minimum of dissenting positions with regard to the draft resolution.

Draft resolution A/C.3/57/L.65: The right to development

29. **Mr. Montwedi** (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, which were sponsoring it, said that the text added an important new element with regard to previous resolutions. It was based on the agreed conclusions of the Working Group on the Right to Development as adopted by the Commission on Human Rights, and identified key issues requiring immediate attention. The agreed conclusions provided an excellent basis for cooperation to promote the right to development and implement the Millennium Declaration.

30. The Working Group and the independent expert of the Commission on Human Rights were core mechanisms for realizing the right to development. The Working Group should continue its work, and the sponsors looked forward to two major reports on critical issues from the independent expert. The first would deal with international development issues such as trade, good governance, equity, access to technology, the debt burden and their effects on the full enjoyment of human rights; the second would deal with partnerships for development such as the New Partnership for Africa's Development.

31. The text also requested the Office of the High Commissioner to submit a report to the Commission on Human Rights on the importance and application of the principle of equity at the international and national levels. He welcomed the High Commissioner's commitment to the right to development and stressed the need for the intergovernmental processes of the Commission to be provided with adequate resources.

Draft resolution A/C.3/57/L.66: Enhancement of international cooperation in the field of human rights

32. **Mr. Montwedi** (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, which were sponsoring it, said that the text, which had been agreed by consensus during consultations, added two new elements to the previous year's resolution: the need for an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights (eleventh preambular para.), and a reaffirmation of the importance of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism (twelfth preambular para.).

Draft resolution A/C.3/57/L.68: The right to food

33. **Ms. González Fraga** (Cuba), introducing the draft resolution on behalf of the sponsors, announced that the delegations of Andorra, Austria, Bulgaria, the Congo, Finland, Mali, Mauritania, Nepal, Norway, Panama, Qatar, Romania, Saudi Arabia and Somalia wish to add their names to the list of sponsors.

34. The text recalled the need for international support to guarantee the right to food in a world where millions suffered needlessly from hunger, in particular in the developing world. Hunger was a violation of a basic human right, and measures must be taken at all levels to ensure adequate resources to protect the right to food.

35. The sponsors wished to replace paragraph 14 with a new one reading: "*Welcomes* the decision of the Council of the Food and Agriculture Organization of

the United Nations adopted at its one hundred and twenty-third session to establish an intergovernmental working group as a subsidiary body of the Committee on World Food Security, with the participation of stakeholders, in the context of the Declaration of the World Food Summit: five years later, to elaborate in a period of two years, a set of voluntary guidelines to support the efforts of Member States to achieve the progressive realization of the right to adequate food in the context of national food security, and in this regard stresses that the Food and Agriculture Organization of the United Nations will work closely with relevant United Nations bodies, in particular the United Nations High Commissioner for Human Rights, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the right to food, as well as the two Rome-based food agencies, the International Fund for Agricultural Development and the World Food Programme, noting also the invitation of the Food and Agriculture Organization of the United Nations to other relevant institutions of the United Nations system, treaty bodies and the World Trade Organization to collaborate in assisting the Working Group, on the basis of their respective mandates".

Draft resolution A/C.3/57/L.69: Respect of the right to universal freedom of travel and the vital importance of family reunification

36. **Ms. González Fraga** (Cuba) announced that the Dominican Republic had withdrawn as a sponsor of the draft resolution, which she introduced on behalf of the sponsors. The draft related to a right recognized in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Programme of Action of the International Conference on Population and Development. It called upon all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory.

37. The draft resolution also reaffirmed that all Governments, especially those of receiving countries, must recognize the importance of family reunification and promote its incorporation into national legislation in order to protect the unity of families of documented migrants. It called upon all States to allow the free flow of financial remittances and to refrain from enacting legislation intended as a coercive measure that discriminated against legal migrants by adversely affecting family reunification. She urged States to support the initiative and to reaffirm their commitment to that important human right.

Draft resolution A/C.3/57/L.40: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

38. **The Chairman** announced that Malaysia had joined the list of sponsors of the draft resolution, which contained no programme budget implications.

39. *Draft resolution A/C.3/57/L.40 was adopted.*

Draft resolution A/C.3/57/L.41: Human rights and cultural diversity

40. **Mr. Alaei** (Islamic Republic of Iran), introducing the draft resolution on behalf of the sponsors, joined by Djibouti, Lebanon, Oman and Thailand, said that the twelfth preambular paragraph had been replaced by a new version, which read: "*Recognizing* that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all people and nations".

41. **Ms. Gorove** (United States of America) said her delegation had reservations about the assertion of the contribution made to cultural diversity by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and therefore called for a vote on the sixth preambular paragraph, although her delegation supported the draft resolution as a whole.

42. **Mr. Alaei** (Islamic Republic of Iran) said it was deplorable that a delegation should call for a vote at that late juncture and without warning. The sponsors had held open consultations, at which the United States had always been represented, and it had declared itself satisfied with the text. He was puzzled by that last-minute request.

43. **Mr. Roshdy** (Egypt) said that his delegation disapproved of the United States' ploy at a time when many delegations were absent. Although the request was valid under the rules of procedure, it would have been courteous and more transparent for the United States to have informed the sponsors that it would call for a vote.

44. **Ms. Booto** (Democratic Republic of the Congo) said that the *Journal* had mentioned only the introduction of draft resolutions, with nothing about adopting them. For that reason, small delegations had been unable to attend, since they were covering other meetings.

45. **Ms. Ahmed** (Sudan), supported by **Ms. Kislinger** (Venezuela) and **Ms. González Fraga** (Cuba), said that her delegation had not been aware that there would be a vote. While the United States request should be respected, she moved that action on the draft resolution should be deferred.

46. **The Chairman** said that the United States had not informed him that it would call for a vote. He urged delegations to be more cooperative in that regard. He suggested that action on draft resolution A/C.3/57/L.41 should be deferred until the following meeting.

47. *It was so decided.*

Draft resolution A/C.3/57/L.47: Elimination of all forms of religious intolerance

48. **The Chairman** announced that Belarus, Malawi and the Sudan wished to join the sponsors.

49. **Mr. de Barros** (Acting Secretary of the Committee) said that, in paragraph 18 of draft resolution A/C.3/57/L.47, the General Assembly would request the Secretary-General to ensure that the Special Rapporteur received the necessary resources to enable him to discharge his mandate. The secretariat wished to draw attention to the provision of part B, section VI, of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions (ACABQ). Provision for the Special Rapporteur had already been made in the programme budget for the biennium 2002-2003. Therefore, adoption of the draft resolution would not entail any additional appropriation.

50. *Draft resolution A/C.3/57/L.47 was adopted.*

Draft resolution A/C.3/57/L.51: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

51. **The Chairman** announced that Armenia, Benin, Bosnia and Herzegovina and Morocco wished to join the sponsors.

52. **Mr. de Barros** (Acting Secretary of the Committee) said that, in paragraph 11 of draft resolution A/C.3/57/L.51, the General Assembly would request the Secretary-General to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Representative. The secretariat wished to draw attention to the provision of part B, section VI, of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and ACABQ. Provision for the Special Representative had already been made in the programme budget for the biennium 2002-2003. Therefore, adoption of the draft resolution would not entail any additional appropriation.

53. *Draft resolution A/C.3/57/L.51 was adopted.*

54. **Ms. Al Haj Ali** (Syrian Arab Republic), explaining her delegation's position with regard to draft resolution A/C.3/57/L.51, said that the Declaration imposed the duty of non-intervention and non-selectivity with respect to States. It also granted non-governmental organizations the duty of protection and non-selectivity in the protection of rights and fundamental freedoms, in order to ensure objectivity and non-discrimination.

55. The Syrian Arab Republic had maintained its position throughout the negotiations on the draft resolution, that there should be transparency on issues relating to the allocation of resources to non-governmental organizations. It regretted that the draft resolution did not contain certain paragraphs referring to the responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The omission of emphasis on certain rights was also regrettable because it distorted the balance of the draft resolution.

Draft resolution A/C.3/57/L.54: United Nations Decade for Human Rights Education, 1994-2004

56. **Mr. McKenna** (Australia) announced that Belarus, Liechtenstein, the United States and Lesotho wished to join the sponsors.

57. **The Chairman** said that the draft resolution had no programme budget implications and that Bulgaria, Mongolia, Nepal, the Russian Federation and Switzerland also wished to join the sponsors.

58. *Draft resolution A/C.3/57/L.54 was adopted.*

Draft decision A/C.3/57/L.76: Award of human rights prizes in 2003

59. *Draft decision A/C.3/57/L.76 was adopted.*

The meeting rose at 11.55 a.m.